

**Village of Croton-on-Hudson
Minutes for Meeting of the Planning Board
Tuesday, June 26, 2012**

Present: Rob Luntz, Chairman
Bruce Kauderer
Steve Krisky
Mark Aarons

Absent: Fran Allen

Also Present: Daniel O'Connor, Village Engineer

1. Meeting called to order 8:10 p.m.

2. NEW BUSINESS

a) Ajna Wellness Center—18 Old Post Road South (Sec. 78.08 Blk.7 Lot 7)—Application for Change of Use Permit from Professional Services Use to Retail use (first floor) and from Residential use to Professional Services Use (second floor).

Mark Franzoso, landlord for the property at 18 Old Post Road South, and applicants Tina Triburgo, psychotherapist, and Solange LaBonne, yoga instructor, were present.

Mr. Franzoso stated that the proposed change of use is for a psychotherapy and yoga wellness center--the first floor is retail space for an artisan co-operative store in addition to wellness workshops. The Village Engineer stated that a change of use is required because the first floor will be 50% retail and 50% professional use services, and the second floor is a change from a residential use to a professional services use.

Mr. Kauderer stated that this property seemed to be a good use for the space. Mr. Franzoso stated that he was very excited about having more commerce brought into the upper village. He stated that there was adequate parking on Maple and Old Post Road South.

Mr. Krisky asked about the availability of a handicap accessible ramp. Mr. Franzoso stated that he was very aware of the special needs of individuals and recognizes the importance of a business being handicap accessible. He will have a temporary removable ramp on site but he does not see the point in constructing a permanent ramp given the nature of the proposed business.

Mr. Krisky asked about the legality of a temporary ramp. Mr. Kauderer stated that a temporary ramp would be acceptable if it conforms to the New York State ADA laws. Chairman Luntz agreed.

Mr. Kauderer made a motion to grant the change of use and accept the resolution, as amended, seconded by Mr. Krisky, and carried all in favor 4-0. Ms. Allen was absent.

3. OLD BUSINESS

a) Hudson National Golf Club—40 Arrowcrest Drive (Sec. 67.15 Block 1 Lot 4) – Update from Environmental & Turf Services regarding the reevaluation of the resampling response threshold (RT) exceedance criteria for nitrogen (N) and total phosphorous (TP).

The Planning Board reviewed the revised recommendations regarding the nitrate-nitrite nitrogen (N-N) response threshold (RTs) exceedances as were discussed at the May 22, 2012 Planning Board meeting. The recommendations revise the protocol for testing, address the issue of an unidentified pipe outside a Water Quality Basin, and address the calculation errors made in 1996. The complete letter report on the revised recommendations is available in the Engineering Office.

Mr. Krisky made a motion to approve the recommendations, as amended, by the Environmental & Turf Services, Inc, seconded by Mr. Kauderer, and carried all in favor by a vote of 4-0. Ms. Allen was absent.

4. DISCUSSION

a) Tom Fallacaro—3 Arrowcrest Drive (Sec.67.15 Blk. 1 Lot 33)—Discussion regarding retaining wall.

Mr. Kauderer stated that he would like to meet with the Village Attorney before the July 24th meeting and Mr. Kauderer volunteered to draft a memorandum of questions and concerns to be sent to the Village Attorney prior to this meeting. Chairman Luntz agreed that by sending a memorandum of the Planning Board's questions, the Village Attorney can come prepared to the July 24th meeting.

Mr. Krisky, who has not seen the retaining wall, will contact the Village Engineer so that the Village Engineer can arrange a site visit with the property owner.

5. Approval of Minutes

The minutes, as amended, were approved by a motion made by Mr. Kauderer, seconded by Mr. Krisky, and carried by a motion of 4-0, all in favor. Ms. Allen was absent.

6. Adjournment

There being no further business to come before the board, the meeting was duly adjourned at 9:15 p.m.

Respectfully submitted,

Ronnie L. Rose

Ronnie L. Rose
Planning Board Secretary

RESOLUTION

WHEREAS, the Planning Board, at its meeting on June 26, 2012, reviewed a Change of Use application submitted by Tina Triburgo and Solange LaBonne, hereafter known as “the Applicant,” said property owned by Peter Franzoso and located at 18 Old Post Road South. The property is in the C-1 Zoning District and is designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.08 Block 7 Lot 7; and

WHEREAS, the proposed Change of Use is from Professional Services Use to Retail Use (first floor) and from Residential Use to Professional Services Use (second floor); and

WHEREAS, under the requirements of the State Environmental Quality Review Act (SEQRA), the Planning Board has determined that this project is a Type II Action, which is not subject to review under SEQRA.

NOW, THEREFORE BE IT RESOLVED, that the Change of Use, as shown on the Change of Use Application, received on June 21, 2012 from the Applicant which includes a diagram of the first floor interior retail space as shown on a site plan entitled “Proposed Office” drawn by Property Plus Associates, Architect, and a diagram of the second floor interior professional spaces provided by the landlord on June 26, 2012; and a copy of an e-mail dated 6/19/2012 from the landlord to the Village Engineer granting permission for the Applicant to apply for a Change of Use permit, be approved subject to the following conditions:

- 1) That all signs for the former business be removed and a sign application be submitted to the Planning Board for review and approval, and as part of said application, be referred by the Planning Board to the Advisory Board on the Visual Environment (VEB) for their review and comments;
- 2) That in order to comply with the New York State Existing Building Code, one handicap accessible building entrance (which may be a portable ramp as long as same complies with applicable law) and an accessible toilet room be provided unless a waiver is obtained from the New York State Department of State;
- 3) That the onsite walkways be evaluated for any needed repairs and the repairs made by the property owner prior to the business opening.

In the event that this Change of Use is not implemented within three (3) years of this date, this approval shall expire.

The Planning Board of the Village of
Croton-on-Hudson, New York

Robert Luntz, Chairman
Mark Aarons
Fran Allen (ABSENT)
Bruce Kauderer
Steven Krisky

Motion to approve by Mr. Kauderer, seconded by Mr. Krisky, and carried by a vote of 4 to 0. Ms. Allen was absent.

Resolution accepted at the meeting held on Tuesday, June 26, 2012.